

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

BNSF RAILWAY COMPANY,)
)
Plaintiff,)
) Case No. 2:22-CV-00068-RLW
v.)
)
PAULINE MAGIN, et al.,)
)
Defendants.)

**BNSF RAILWAY COMPANY'S REQUEST FOR LEAVE TO FILE
REPLY MEMORANDUM IN EXCESS OF PAGE LIMIT**

Pursuant to Local Rule 4.01(D), BNSF Railway Company respectfully requests leave to file a reply memorandum in support of its First Motion for Partial Summary Judgment (Doc. 77) that exceeds fifteen (15) pages. The memorandum BNSF seeks to file – exclusive of the Table of Contents, Table of Authorities, signature page, and attachments – is 22 pages.

BNSF's First Motion for Partial Summary Judgment is intended to be dispositive of its action against eight of the defendants – Angelika Salazar, Ngoc Pham, Estevan Carreon, Tami Lakey, Kimberly Howard, Noel Lucero, Sherri Schwanz, and Allen Gallaway (the “Signatory Passengers”). In its original memorandum (Doc. 78) of 29 pages, BNSF explained how these Signatory Passengers are similarly situated and how the same legal principles necessitate judgment as a matter of law in favor of BNSF. The Signatory Passengers responded with a Memorandum in Opposition (Doc. 84) of 39 pages. Accordingly, BNSF respectfully submits it is appropriate for its reply memorandum to exceed the 15-page limit.

BNSF has attached its Reply Memorandum in Support of its First Motion for Partial Summary Judgment to this Motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 24th day of February 2023, a true and accurate copy of the foregoing was filed through the Court's electronic filing system, which will serve notification upon all interested parties.

/s/ Sean P. Hamer
Attorney